

OCT 19 2004

PATENT
Customer No. 22,852
Attorney Docket No. 6832.0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Craig A. ROSEN et al.) Group Art Unit: 1653
)
Application No.: 09/833,041) Examiner: Hope A. Robinson
)
Filed: April 12, 2001) Confirmation No.: 2391
)
For: ALBUMIN FUSION PROTEINS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT-PRE-GRANT

In accordance with 37 C.F.R. § 1.705(b), Applicants hereby apply for patent term adjustment under 35 U.S.C. § 154(b) of 418 days. This application is being filed before or with the issue fee payment, as required by 37 C.F.R. § 1.705(b).

I. Statement of the Facts Involved

A. Correct Patent Term Adjustment

Applicants received the Determination of Patent Term Adjustment with the Notice of Allowance and Fee(s) Due mailed from the Patent and Trademark Office (PTO) on July 20, 2004, advising that this application is entitled to 402 days of patent term adjustment.

Applicants have calculated a patent term adjustment of 418 days based on the following facts:

Relevant Dates

The above-identified application was filed April 12, 2001.

A Notice to File Missing Parts was mailed on June 8, 2001.

A response by applicants was filed August 8, 2001.

The first Office action, which was a Restriction Requirement, was mailed on August 4, 2003, resulting in a PTO delay of 418 days beyond the 14 months provided by 35 U.S.C. § 154(b).

A response by applicants was filed August 15, 2003.

A second Office action was mailed September 4, 2003.

A response by applicants was filed November 20, 2003.

A Notice of Allowance was mailed February 20, 2004.

A Request for Continued Examination (RCE) by applicants was filed May 18, 2004.

A Notice of Allowance was mailed July 20, 2004.

Thus, the total PTO adjustments based on delay is 418 days. Applicants respectfully request that the current patent term adjustment be reconsidered.

B. Terminal Disclaimer

The above-identified application is not subject to a Terminal Disclaimer.

C. Reasonable Efforts

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing of examination of the above-identified application, as set forth in 37 C.F.R. § 1.704.

II. Fee

As required by 37 C.F.R. § 1.705(b)(1), this application is accompanied by a check for \$200.00 to cover the required fee. Please charge any deficiencies to our Deposit Account No. 06-0916. If there are any other fees due in connection with the filing of this request, please charge them to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Charles E. Van Horn
Charles E. Van Horn
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Dated: October 19, 2004